

House File 560

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HOUSE FILE 560

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1 3 AN ACT
1 4 RELATING TO MEDICAL ASSISTANCE HOME AND COMMUNITY=BASED
1 5 SERVICES WAIVERS.
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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 8
1 9 Section 1. Section 249A.12, Code 2003, is amended by
1 10 adding the following new subsection:
1 11 NEW SUBSECTION. 6. a. Effective July 1, 2003, the
1 12 provisions of the home and community-based services waiver for
1 13 persons with mental retardation shall include adult day care,
1 14 prevocational, and transportation services. Transportation
1 15 shall be included as a separately payable service.
1 16 b. The department of human services shall seek federal
1 17 approval to amend the home and community-based services waiver
1 18 for persons with mental retardation to include day
1 19 habilitation services. Inclusion of day habilitation services
1 20 in the waiver shall take effect upon receipt of federal
1 21 approval and no later than July 1, 2004.
1 22 c. The person's county of legal settlement shall pay for
1 23 the nonfederal share of the cost of services provided under
1 24 the waiver and the state shall pay for the nonfederal share of
1 25 such costs if the person does not have a county of legal
1 26 settlement.
1 27 Sec. 2. NEW SECTION. 249A.32 MEDICAL ASSISTANCE HOME AND
1 28 COMMUNITY=BASED SERVICES WAIVERS == CONSUMER DIRECTED
1 29 ATTENDANT CARE == TERMINATION OF CONTRACT.
1 30 1. A case manager for a medical assistance home and
1 31 community-based services waiver may terminate the contract of
1 32 a person providing consumer directed attendant care services
1 33 to whom payment is being made for provision of such services
1 34 under the waiver if the case manager determines that the
1 35 person has breached the contract by not providing the services
2 1 agreed to under the contract.
2 2 2. For the purposes of this section, "consumer" and
2 3 "waiver" mean consumer and waiver as defined in section
2 4 249A.29.
2 5 Sec. 3. REIMBURSEMENT == REVIEW == RATE LIMITATIONS.
2 6 1. The department of human services shall review the
2 7 reimbursement methodology for the home and community-based
2 8 services waiver for persons with mental retardation under the
2 9 medical assistance program in relationship to the goals and
2 10 objectives of the mental health and developmental disability
2 11 services system redesign being conducted by the mental health
2 12 and developmental disabilities commission. The department
2 13 shall submit a report of the findings of the review and
2 14 recommendations to the general assembly by July 1, 2004.
2 15 2. For the fiscal year beginning July 1, 2003, the
2 16 department of human services in cooperation with the Iowa
2 17 state association of counties and the Iowa association of
2 18 community providers shall establish payment rate limitations
2 19 for the services provided under the home and community-based
2 20 services waiver for persons with mental retardation that are
2 21 consistent with the limitations used for the same or similar
2 22 services that are funded one hundred percent by the counties.
2 23 Sec. 4. EMERGENCY RULES. The department of human services
2 24 shall adopt administrative rules under section 17A.4,
2 25 subsection 2, and section 17A.5, subsection 2, paragraph "b",
2 26 to implement the provisions of this Act and the rules shall
2 27 become effective immediately upon filing or on a later
2 28 effective date specified in the rules, unless the effective
2 29 date is delayed by the administrative rules review committee.
2 30 Any rules adopted in accordance with this section shall not
2 31 take effect before the rules are reviewed by the
2 32 administrative rules review committee. The delay authority
2 33 provided to the administrative rules review committee under
2 34 section 17A.4, subsection 5, and section 17A.8, subsection 9,
2 35 shall be applicable to a delay imposed under this section,
3 1 notwithstanding a provision in those sections making them
3 2 inapplicable to section 17A.5, subsection 2, paragraph "b".
3 3 Any rules adopted in accordance with the provisions of this
3 4 section shall also be published as notice of intended action
3 5 as provided in section 17A.4.

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CHRISTOPHER C. RANTS
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 560, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2003

THOMAS J. VILSACK
Governor